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Attorneys for Defendant
CITIMORTGAGE, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TWINROCK HOLDINGS, LLC, a Utah Limited
Liability Company,

Plaintiff,

v.

CITIMORTGAGE, INC., a New York
Corporation; NATIONAL DEFAULT
SERVICING CORPORATION, a foreign
corporation; BRECKENRIDGE PROPERTY
FUND 2016, LLC; DOES I through X, inclusive;
and ROE ENTITIES XI through XX,

Defendants.

CASE NO.: 2:22-cv-00143-JAD-VCF

**~~[PROPOSED]~~ STIPULATION AND
ORDER TO STAY DISCOVERY
PENDING DECISION ON
DISPOSITIVE MOTIONS**

Pursuant to Fed. R. Civ. P. 16, 26, and Local Rule 26-1, Plaintiff Twinrock Holdings, LLC (“Plaintiff”), Defendants CitiMortgage, Inc. (“CitiMortgage”), and Breckenridge Property Fund 2016, LLC (“Breckenridge”) (collectively the “Parties”), by and through their attorneys, hereby stipulate to stay discovery as discussed below:

STIPULATION

1. Plaintiff filed its Amended Complaint (ECF No. 14) on March 25, 2022.
2. CitiMortgage consented to the filing of the Amended Complaint on May 2, 2022.
3. Breckenridge filed a Motion to Dismiss on May 23, 2022. Plaintiff filed a Motion for Summary Judgment on May 25, 2022. CitiMortgage filed a Motion to Dismiss on May 31, 2022.

1 These motions are hereinafter referred to as the “Dispositive Motions.”

2 4. A District Court has wide discretion in controlling discovery, including authority to
3 issue a stay of discovery during the pendency of dispositive motions. *See Little v. City of Seattle*, 863
4 F.2d 681, 685 (9th Cir. 1988); *State v. U.S. Dep’t of Homeland Sec.*, No. 19-CV-04975-PJH, 2020
5 WL 1557424, at *16 (N.D. Cal. Apr. 1, 2020).

6 5. When a litigant has filed a motion that is potentially dispositive of the case or of a
7 particular matter in the case, it may seek a stay of the corresponding discovery. *See Big City Dynasty*
8 *v. FP Holdings, L.P.*, 336 F.R.D. 507, 512 n. 9 (D. Nev. 2020).¹

9 6. The Parties believe that their various dispositive motions are likely, alone or together,
10 to result in all claims and defenses in this action being fully resolved or to result in significant
11 simplification of the claims or defenses available to the Parties.

12 7. Accordingly, the Parties hereby stipulate and agree to stay discovery until the last of
13 the Dispositive Motions is ruled upon by the Court.

14 8. The Parties further agree that the discovery plan and scheduling order required by this
15 Court in docket text of ECF No. 20 be stayed until 21 days after the last Dispositive Motion is ruled
16 upon by the Court.

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26 ¹ In situations where a requested stay of discovery is opposed by the non-moving party, cases in the
27 District of Nevada have evaluated the underlying merits of the dispositive motion. By signing this
28 Stipulation, the Parties are not admitting that the motion of any other party has merit. Rather, the
Parties each assert that their own dispositive motions have merit and additionally assert that the
Court’s ruling on all the dispositive motions is likely to eliminate claims, contentions, or defenses
that would otherwise be subject to discovery and that granting the requested stay would secure the
just and inexpensive determination of this action pursuant to FRCP 1.

Stipulated and agreed to by:

DATED: June 3, 2022

DATED: June 3, 2022.

WOLFE & WYMAN LLP

WEDGEWOOD, LLC

By: /s/ David T. Blake

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Attorneys for CitiMortgage, Inc.

By: /s/ Brandon Trout

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DATED: June 3, 2022.

By: /s/ John Henry Wright

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Counsel for Plaintiff Twinrock Holdings, LLC

ORDER GRANTING

STIPULATION TO STAY DISCOVERY

In consideration of the parties' stipulation and good cause showing, **IT IS ORDERED THAT** discovery in this matter stayed until the Court rules on all of the Dispositive Motions described in the above stipulation.

IT IS SO ORDERED.

IT IS HEREBY ORDERED that a telephonic status hearing is scheduled for 10:00 AM, December 28, 2022. The call-in telephone number is (888) 273-3658, access code: 3912597. The call must be made five minutes prior to the hearing time. The court will join the call and convene the proceedings. Recording of the proceedings is prohibited.


UNITED STATES MAGISTRATE JUDGE

Dated 6-3-2022

CERTIFICATE OF ELECTRONIC SERVICE

On June 3, 2022, I by the following means to the persons as listed below:

 X a. ECF System (you must attach the “Notice of Electronic Filing”, or list all persons and addresses and attach additional paper if necessary):

 b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

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/s/ Evelyn M. Pastor
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